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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,214	03/23/2004	Kensuke Tsurumaki	1506.1043	1657
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STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER WANG, HARRIS C	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/806,214

Applicant(s)

TSURUMAKI, KENSUKE

Examiner

Harris C. Wang

Art Unit

2139

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1.

Claims 1-9 are pending

Claims 1 and 5 have been amended

Claim 9 is new

### *Response to Arguments*

Applicant's arguments filed 10/05/2007 have been fully considered but they are not persuasive.

The Applicant first addresses that 112 2nd paragraph issue, and the phrases "caption character strings" and "title character strings." The Applicant points to the Specification pg. 7, lines 8-17 to show evidence that "caption character string" is well known in the art.

The cited part of the specification reads:

"The security policy file connoted herein has contents (a file-formatted database) as schematically shown in Fig. 2, to which the function restriction program refers when in its operation. Namely, the security policy file is a file that retails a given number of tuples (records corresponding to a plurality of applications) each consisting of a caption character string and pieces of information (which will hereinafter be termed 'inhibited process designating information') designating which process among a variety of processes is inhibited from being executed."

The Applicant still has not given a clear definition of what a "caption character string" is. In the cited section of the specification, it is clear that the "caption character

string" is part of the security policy file, but simply referring to "caption character string" does not clarify the definition of a "caption character string." Therefore the phrase is still considered indefinite and the 112 rejection stands.

The Applicant points to the Specification pg. 4 lines 12-18 and page 11 to show evidence that "title character string" is well known in the art.

The cited part of the specification reads:

"The use of this function restricting program enables the security setting to be done for every caption character string (title character string), whereby the more minute security setting than by the prior art can be performed such as setting printable one piece of information of two pieces and information utilizing the same application for browsing and the other piece of information unprintable"

Once again, the cited part of the specification merely refers to "title character string" without adequately defining the term. If anything, the cited portion brings up more confusion, especially the cited portion "caption character string (title character string)." The parenthesis implies that a title character string is a caption character string. If this is the case, is it even possible for the title character string to be non-coincident with the caption character string, if their identities are interlocked.

The Applicant then argues that "Therefore, a person having ordinary skill in the art would understand the meaning of "caption character string" and "title character string" by reading the Specification and the Figures" (pg. 5 of Remarks). The Examiner does not see any evidence based on the cited portions of the Specifications that adequately define "caption character string" and "title character string." Therefore the Examiner repeats the previous 112 2<sup>nd</sup> paragraph rejection.

The Applicant then argues that "a person having ordinary skill in the art would clearly understand that "caption character string" and "title character string of the function restricting window."

The Applicant did not address the rest of the argument which reads "If the function restricting target window is already described as having coincident caption character strings and the title character strings, it is unclear whether the security policy compares the two strings once to produce the function restricting target window, or whether the two strings are compared twice, and the title character string of the function restricting target window, which has already been found coincident with one caption character string, is being compared again to another caption character string (pg. 3 of Office Action)."

Because the Applicant did not address this argument, the argument remains and the claims stand rejected under 112 2<sup>nd</sup> paragraph.

The Applicant argues that "it is respectfully submitted that Oe does not teach or suggest the aforementioned features as recited in claim 1, for example. Rather, Oe describes a system which sets the security level information to each file instead of restricting execution with respect to a caption character string which coincides with a title character string of the function restricting window. (pg. 6 of Remarks)."

The Applicant particularly highlighted that "the computer operates as a device that does not execute respective process of which executions are not permitted...with respect to a caption character string coincident with a title character string of the function restricting window."

The Examiner believes that he has already mapped out and given a thorough explanation in the original office action regarding the above arguments on pages 4-6 of the Office action. Oe traps an operation request and does not execute the operation unless the security condition is met (abstract). The security condition is met when the user name matches the user's input. The Examiner interpreted the "caption character string" as the user name and the "title character string" as the user input. Therefore the computer operates as a device that does not execute respective process of which executions are not permitted with respect to a caption character string coincident with a title character string of a function restricting window.

The Examiner does not find the above arguments persuasive, and therefore repeats the previous rejection.

***Claim Rejections - 35 USC § 112***

2.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Applicant repeatedly claims the limitation "caption character strings" and "title character string." Although the Examiner knows that both of these limitations are generally strings, both the term "caption character string" and "title character string" are not well known in the art, and are not appropriately defined in the specification. More specifically, in Claims 1 and 5, the Applicant claims that "in a case where the function restricting target window defined as a window of which the title character string is coincident with any one of caption character string." Without knowing exactly what a "caption character string" or "title character string" is, the Examiner does not know how to define the "function restricting target window" either.

Claims 1 and 5 end with the limitation "is displayed on said display device." The claim language before this limitation is nested so many times, it is unclear what exactly is being displayed.

Claims 1 and 5 also describe the security policy "with respect to a caption character string coincident with a title character string of the function restricting target window in a case where the function restricting target window is defined as a window of which the title character string is coincident with any one of the caption character strings." It is unclear what exactly is being compared. The Applicant defines the "function restricting target window" as a window where the title character string is coincident with any caption character string. Yet the Applicant describes the security policy as with respect to a caption character string coincident with a title character string of the function restricting target window. If the function restricting target window is already described as having coincident caption character strings and title character

strings, it is unclear whether the security policy compares the two strings once to produce the function restricting target window, or whether the two strings are compared twice, and the title character string of the function restricting target window, which has already been found coincident with one caption character string, is being compared again to another separate caption character string.

Claims 2-4 and 6-8 are dependent on Claims 1 and 5 respectively. As such, they are rejected for the same rationale.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### ***Claim Rejections - 35 USC § 102***

3.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Oe (20020099837).



Regarding Claims 1-2, 5-6, 8

Oe teaches a function restricting program executed on a computer including an input device and a display device, said program making said computer operate as a device that does not execute respective processes of which executions are not permitted by inhibited process designating information contained in the security policy information (*"An operation request from a process or OS for computer resource(s) managed by the OS, such as a file, network, storage device, display screen, or external device, is trapped before access to the computer resource. It is determined whether an access right from the computer resource designated by the trapped operation request is present...If no access right is present, the operation request is denied" Abstract*)

Oe further teaches that the security policy information as containing inhibited process designating information defined as information for designating some processes of which executions are not permitted. (*"The resource designation information designates a specific one of the resources managed by the general-purpose OS...The condition 20352 represents a condition or a combination of conditions under which the access right is validated...Each of the access right information...represents, of access rights that are extended but not defined in the existing environment, a right added to a designated resource" Paragraphs [0223-0225]*)

Because the claim language is unclear, the Examiner must interpret the claim language in order to examine. The Examiner interprets the claim language "security

*policy information with respect to a caption character string coincident with a title character string of the function restricting target window in a case where the function restricting target window defined as a window of which the title character string is coincident with any one of caption character strings in the security policy information, is displayed on said display device” as security policy information where in the case when a condition is met (for instance, when a string matches a target string) a function restricting window is displayed.*

Oe teaches displaying function restricting window when the condition of an illicit access is met. (*“When an illicit access is detected, a warning program transmits and displays an illicit access message window having contents as shown in Fig. 7B on the terminal of the system manager...When a general user has made an illicit access, a window as shown in Fig. 7A is displayed (Paragraph [0348-9])*). The Examiner further interprets the “title character string” being coincident with the “caption character string” as the condition necessary to either receive or be denied access rights. Oe writes” The condition 20352 represents a condition or a combination of conditions under which the access right is validated. For example, a user name/ID, group name/ID....are registered.” (Paragraph [0224]). For instance, the “caption character string” could be considered as the user name that is registered, and the “title character string” could be considered the user’s input. Once again, because “caption character string” and “title character string” were not properly defined, the Examiner was forced to make these interpretations.

Oe teaches the function restricting program on a program storage medium.

*("there is provided a storage medium which stores program codes for controlling access to computer resources such as a file, network, storage device, display screen, or external device"*

*Paragraph [0029])*

The method associated with program is anticipated by the cited portions of the prior art and explanations.

#### Regarding Claims 3 and 7

Oe teaches a function restricting program according to claim 1, including a function of making said computer, in a case where a plurality of function restricting target windows are displayed on said display device (*Figure 7A, 7B*), operate as a device that does not execute a process of which an execution is not permitted by any one piece of inhibited process designating information, in the security policy information, associated with title character strings of these function restricting target windows. *("the access right to the resource is checked in relation to the access request by looking up the access right management table 2035. If the check result indicates the absence of the right, an access denial error is returned as a result without executing processing of the API issued by the application"* Paragraph [0230])

*("there is provided a storage medium which stores program codes for controlling access to computer resources such as a file, network, storage device, display screen, or external device"*

*Paragraph [0029])*

Regarding Claims 4 and 8

Oe teaches an installer creation program making a computer including an input device and a display device, operate as a device comprising:

security policy information creating means for creating security policy information containing inhibited process designating information defined as information for designating some processes of which executions are not permitted with respect to one or more caption character strings on the basis of information inputted to said input device; (*"Each restricted operation information designates a function to be restricted in functions of the application, OS, or platform. For example, printing, editing, displaying, acquiring screen image, or saving in an external device is restricted. As a restricting condition, conditions for restricting operations are designated."* Paragraphs [0389-3920])

and installer creating means for creating an installer defined as a program by which, upon an execution of this program, a computer is installed with the security policy information created by said security policy information creating means and with said function restricting program according to claim 1. (*"activation means for activating the data having the executable format, which contains digital information to which restricting attribute information that defines contents of operation restriction for the digital information and a restricting program"* Paragraph [0118]) (*"In addition, only by installing the resource management program in the existing environment, various kinds of illicit accesses described above can be restricted"* Paragraph [0353])

*("there is provided a storage medium which stores program codes for controlling access to computer resources such as a file, network, storage device, display screen, or external device"*

*Paragraph [0029])*

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harris C. Wang whose telephone number is 5712701462. The examiner can normally be reached on M-F 8-5:30, Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYA Z R. SHEIKH can be reached on (571)272-3795. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HCW

  
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